FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 4561/2007
(Ballarpur Industries Ltd. & anr. Vs. Asstt. Controller of Legal Meterology Weights & Measures Dept. & anr.)

Appeal	District :
Application No.	of 200
Writ petition	

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. R.S. Parsodkar, Adv. for the petitioners.
Mr. N.W. Sambre, G.P. for respondents.

CORAM :D.D. SINHA &
SMT. VASANTI A. NAIK, JJ.
DATED : DECEMBER 14, 2007.

Heard Mr. Parsodkar, for the petitioners, and Mr. Sambre, the learned G.P., for respondents.

The counsel for the petitioners submits that the petitioners, in the present writ petition is seeking declaration that the seizure of the goods by the respondent nos. 1 and 2, i.e. 2390 rims of A-3 size and 1330 rims of A-4 size packages, is illegal and not according to the provisions of the Standard of Weights and Measures Act, 1976, particularly Rule 24 and 25 of the Standards of Weights and Measures (Pack. Com.) Rules, 1977.

Mr. Sambre, the learned G.P., placed on record the order dated 6th December, 2007 passed by the Deputy Controller of Legal Meteorology, Nagpur. Sub para 4 of the said order reads thus-

"However, as per the guideline by the Central Government dated 5th July, 2007 the implementation of the provision related to Consumer Care Cell declaration is extended upto 31st Dec. 2007. Therefore, all the other packages except 32 samples of A-4 & A-3 Size can be authorize to sale or distribute, if you ensure a cent percent check of the packages for the net weight in the lot and to satisfied the Weights & Measures authority before authorizing sale and distribute the packages in the lot."

Mr. Sambre, the learned G.P., has contended that in view of the above referred observations, if the petitioners give cooperation, in that event, entire process can be completed within one week and appropriate steps would be taken to release the packages which are seized, on and above 32 in number of A-4 and A-3 Sizes.

Mr. Parsodkar, the learned counsel for the petitioners, submits that the petitioners are ready and willing to extend

necessary cooperation, however, prays that if there is no violation of any rule or statute pointed out by the authority concerned and if there is a violation, but within the maximum permissible limit under the rule, in that case, the respondents may be directed to release the goods.

Mr. Sambre, the learned G.P., states that if there is no violation of any rule or statute, and if there is one, but within the permissible limits, in that case, unless there is any other legal impediment, such packages can be released.

In the backdrop of the above referred facts, cause of action in the present writ petition, at this stage, comes to an end.

Hence writ petition is disposed of in view of the above referred facts.

JUDGE **JUDGE**

RMP